

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Aktiebolaget Hassle  
Request for Patent Term Extension  
U.S. Patent No. 4,738,974

:  
: ORDER GRANTING  
: INTERIM EXTENSION

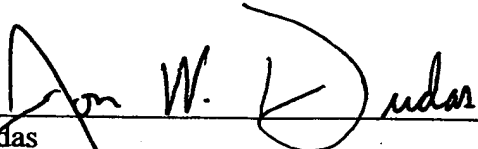
Aktiebolaget Hässle, the owner of record in the United States Patent and Trademark Office (USPTO) of U.S. Patent No. 4,738,974, filed an application for patent term extension under 35 U.S.C. § 156 on April 19, 2001. The extended term of the patent is due to expire on April 19, 2006. The patent claims the active ingredient esomeprazole in the human drug product "NEXIUM®," and a method of use of said product. "NEXIUM®" (esomeprazole) was approved by the Food and Drug Administration for commercial marketing or use on February 20, 2001. An extension of 865 days is requested.

The initial review of the application to date indicates that the subject patent would be eligible for extension of the patent term under 35 U.S.C. § 156. A final determination of the length of the extension of the patent term and issuance of a patent term extension certificate cannot be made until a final determination of the length of the regulatory review period is made by the Food and Drug Administration. Because the original term of the patent would expire before a certificate of patent term extension can be issued, an interim extension of the patent term is appropriate.

An interim extension under 35 U.S.C. § 156(e)(2) of the term of U.S. Patent No. 4,738,974 is granted for a period of one year from the extended expiration date of the patent, until April 19, 2007.

Date

4/5/06

  
Jon W. Dudas  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office